

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBIN FORMATO,

Plaintiff,

v.

MOUNT AIRY #1, LLC  
d/b/a MOUNT AIRY  
CASINO & RESORT,

Defendant.

No. 3:19-CV-02237

(Judge Brann)

**ORDER**

**JULY 29, 2020**

**AND NOW**, in accordance with the accompanying memorandum, **IT IS  
HEREBY ORDERED** that:

1. Defendant's Motion to Dismiss (Doc. 6) is **GRANTED** with respect to Count II of Plaintiff's Complaint, Intentional and/or Negligent Infliction of Emotional Distress and this count is **DISMISSED**;
2. The motion is **DENIED** in all other respects; and
3. Defendant shall file and serve an Answer to the Complaint pursuant to FED. R. CIV. P. 12(a)(4) on or before August 12, 2020.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge